

HON. RONALD B. LEIGHTO

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PACTOOL INTERNATIONAL LTD., a
Washington Corporation

Plaintiff,

vs.

DEWALT INDUSTRIAL TOOL CO., a
Maryland corporation, and KETT TOOL
COMPANY INC., an Ohio corporation

Defendants.

CIVIL ACTION No. 3:06-cv-05367-RBL

**STIPULATION AND ORDER TO
AMEND THE MINUTE ORDER
SETTING TRIAL, PRETRIAL
DATES AND ORDERING
MEDIATION**

Plaintiff PacTool International, Inc. (“PacTool”) and Defendant Kett Tool Company Inc. (“Kett”) file this stipulation to request the Court to amend the *Minute Order Setting Trial, Pretrial Dates and Ordering Mediation*. The parties wish to avoid the significant expense of expert reports, remaining discovery, pretrial and trial and to resolve this matter by mediation. The parties have been ordered to engage in mediation by January 14, 2008 but would like to engage in mediation by October 31, 2007 and modify the Court’s scheduling Order. These proposed dates require movement of the trial date presently set. The parties suggest a proposed schedule below but understand that the Court may have to set trial at a date significantly different than the date proposed. The parties’ proposed schedule is as follows:

Mediation per CR 39.1 (c)(3) HELD no later than	10/31/2007
Letter of compliance as to CR 39.1 FILED by	11/8/2007
Disclosure of expert testimony under FRCP 26(a)(2) is due	1/4/2008

1 All motions related to discovery must be FILED by 2/22/2008

2 Discovery COMPLETED by 3/28/2008

3 All dispositive motions must be FILED by 5/2/2008

4 Motions in limine must be FILED by 8/11/2008

5 Agreed pretrial order OR, if counsel has agreed to dispense
6 with the pretrial order, Witness and Exhibit Lists are due on 8/22/2008

7 (Jury Trial) Proposed Voir Dire, Jury Instructions and Trial
8 Briefs shall be filed by 8/27/2008

9 Pretrial conference will be HELD at 08:30 AM on 8/29/2008

10 5 DAYS Jury Trial set for 09:30 AM on 9/8/2008

11 The parties have agreed to a procedure for exchanging information in preparation for the
12 mediation with the hope that this dispute can be resolved at the mediation. We respectfully
13 request the Court to enter the attached proposed Order.

1 DATED this 20th day of September, 2007.

2 Respectfully submitted,

3 DORSEY & WHITNEY LLP

WOOD, HERRON & EVANS, LLP

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/s/ Gregory F. Ahrens

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Attorneys For Defendant

18 **ORDER**

19 Pursuant to the parties' Stipulation, the Court's scheduling Order is amended such that
20 the following dates apply:

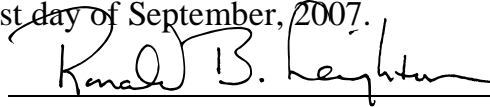
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9 Pretrial conference will be HELD at 08:30 AM on 8/29/2008
10 5 DAYS Jury Trial set for 09:30 AM on 9/8/2008
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12 IT IS SO ORDERED this 21st day of September, 2007.

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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE
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